



Department of Comprehensive Planning Environmental Division

500 S Grand Central Pky • Ste 3012 • PO Box 551745 • Las Vegas NV 89155-1745
(702) 455-4181 • Fax (702) 385-8940

John L. Schlegel, Director • Christine Robinson, Planning Manager

February 4, 2000

Ms. Wendy R. Dixon, EIS Project Manager
Yucca Mountain Site Characterization Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
P. O. Box 30307, M/S 010
North Las Vegas, Nevada 89036-0307

EIS001206

FEB 08 2000

Dear Ms. Dixon:

Please find enclosed comments on the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada. These comments were provided by a subcommittee of the public Implementation and Monitoring Committee of the Clark County Desert Conservation Long-Term Plan for the Desert Tortoise and represents the opinions and analyses of conservation and biological experts on the desert tortoise (*Gopherus agassizii*) for which the County holds a Section 10(a) 1(b) Endangered Species Act permit for the take of the desert tortoise.

These opinions were based on a review of the Draft EIS by this subcommittee of scientists who form part of the Clark County Board of County Commission-appointed public Implementation and Monitoring Committee where they serve as stakeholder representatives for the scientific community concerned with the recovery of the desert tortoise population in the Eastern Mohave range. Several of these individuals serve on the federally-appointed Recovery Team for the Eastern Mohave population of the desert tortoise, and hence, are nationally recognized experts on this species.

We are happy to provide these comments to you for your consideration. The economic prosperity and environmental integrity of Clark County are directly linked to our continuing to meet the conditions of the Incidental Take Permit issued by the United States Fish and Wildlife Service and we are deeply concerned with any and all activities which might threaten the health and well-being of significant desert tortoise populations throughout the Eastern Mohave range as well as their survivability in the wild. While the conditions of our permit are directly related to our plan for mitigating the loss of desert tortoise populations in Clark County, the federal Recovery Plan for the species expands across the entirety of the species' Eastern Mohave range. Therefore, we are greatly concerned with the affects of activities both within Clark County and throughout the northern portions of the range of the desert tortoise which may affect the species' recoverability over the next thirty years which is the duration of the permit we currently hold.

Please feel free to contact me if I can provide further information.

Sincerely,


Cynthia J. Truelove, Ph.D.
Desert Conservation Plan Administrator

CJT:rmt
Enclosure

BOARD OF COUNTY COMMISSIONERS
BRUCE L. WOODBURY, Chairman • ERIN KENNY, Vice-Chair
YVONNE ATKINSON GATES • DARIO HERRERA • MARY J. KINCAID • LANCE M. MALONE • MYRNA WILLIAMS
DALE W. ASKEW, County Manager

We find that the Draft - EIS does not sufficiently address the following specific issues:

1. The discussion of Impacts to Biological Resources and Soils from Performance Confirmation Section 4.1.4.1) is inadequate because it fails to properly consider and address the regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations at the northern extremes of this species* range. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in traffic on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity. It is inadequate because it fails to adequately consider and address the regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity. [This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository that may be indirectly impacted.]
2. The discussion of Impacts to Biological Resources from Construction, Operation and Monitoring and Closure (Section 4.1.4.2) is inadequate because it fails to properly consider and address the regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations at the northern extremes of this species* range. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in traffic on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity. [This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository that may be indirectly impacted.]
3. The discussion of Impacts to Biological Resources from Retrieval (Section 4.2.1.2.4.1) is inadequate because it fails to properly consider and address the regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations

1 continued
below

at the northern extremes of this species* range. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in traffic on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity.] This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository that may be indirectly impacted.

1 continued

4. [The discussion of Consequences to Biological Resources and Soils (Section 4.2.1.2.4.1) is inadequate because it fails to properly consider and address the regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations at the northern extremes of this species* range. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in traffic on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity. It is inadequate because it incorrectly asserts that "Desert tortoises are rare or absent on or around playas..". Recent work by Dave McCullough (pers. com.) in the vicinity of Ivanpah Dry Lake has found that desert tortoises are much more common in *Atriplex* sp. Communities surrounding playas than was previously believed. Therefore, discharge of radioactive and toxic effluent would pose a more significant threat than is currently being considered.] This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository that may be indirectly impacted.

2
continued on
page 4

5. [The discussion of Environmental Impacts of Transportation to Biological Resources and Soils (Section 6.1.2.4) relating to the construction of a branch rail line is inadequate because it fails to properly consider and address the regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations at the northern extremes of this species* range. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in traffic on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the

EIS001206

2 continued

northern extremes of this species* range due to this activity. This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository that may be indirectly impacted.

The discussion of impacts of construction of a branch rail line is inadequate because it fails to properly consider and address the regional and rangewide implications of loss of individuals and that loss*s impact on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity.

2 continued

The discussion of the Jean rail corridor is inadequate because it fails to consider that this corridor would pass through or near the Clark County Desert Tortoise Large-Scale Translocation Study Site (LSTS) west of Jean. Clark County has invested significant resources in establishing this site and funding studies to investigate the efficacy of translocating displaced desert tortoises. Currently more than 2,000 displaced desert tortoises have been successfully translocated to this site and many more will be translocated over the coming several years. This site is crucial to desert tortoise conservation and management in Clark County. The people of Clark County have overwhelmingly supported desert tortoise conservation actions because, in part, displaced tortoises have been humanely provided a wild home at the LSTS. Threats to the integrity of the LSTS would jeopardize public support for tortoise conservation efforts.

The discussion of impacts of construction of a branch rail line in the Valley Modified corridor is inadequate because it fails to properly consider and address the regional and rangewide implications of loss of individuals and that loss*s impact on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range due to this activity.

3
continued
on page 5

6. The discussion of Impacts of Nevada Mostly Legal-Weight Truck Transportation Scenario (Section 6.3.1.1) is inadequate because it fails to properly consider and address the regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations at the northern extremes of this species* range in the vicinity of the Repository and throughout Southern Nevada adjacent to I - 15 and U. S. 95. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in traffic on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range in the vicinity of the Repository and throughout Southern Nevada adjacent to I - 15 and U. S. 95 due to this activity. It is inadequate because it fails to properly consider and address the regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range in the vicinity of the Repository and throughout Southern Nevada adjacent to I - 15 and U. S. 95 due to this activity. The discussion of the contribution of truck traffic related to this activity and its impact on desert tortoise populations is

EIS001206

lacking a consideration of noise and low frequency vibrations. This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository that may be indirectly impacted.

7. The discussion of the impacts of the Caliente-Las Vegas heavy-haul truck route (Section 6.3.3.1) is inadequate because it fails to properly consider and address the local, regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations at the northern extremes of this species* range in the vicinity U. S. 93 in Coyote Springs Valley due to construction activities in upgrading the roads. It is inadequate because it fails to properly consider and address the local, regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range in the vicinity of U. S. 93 in Coyote Springs Valley due to construction activities and increased traffic during operation. The discussion of the contribution of truck traffic related to this activity and its impact on desert tortoise populations is lacking a consideration of noise and low frequency vibrations and their impacts on desert tortoises. This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository and along the Caliente-Las Vegas heavy-haul truck route and in the regional vicinity of the route that may be indirectly impacted.
8. The discussion of the impacts of the Sloan/Jean heavy-haul truck route (Section 6.3.3.2.1) is inadequate because it fails to properly consider and address the local, regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations at the northern extremes of this species* range in the vicinity I - 15 in upper Ivanpah Valley due to construction activities in upgrading the roads and construction of the intermodal transfer station. It is inadequate because it fails to properly consider and address the local, regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range in the vicinity of I - 15 due to construction activities and increased traffic during operation. The discussion of the contribution of truck traffic related to this activity and its impact on desert tortoise populations is lacking a consideration of noise and low frequency vibrations and their impacts on desert tortoises. The discussion of the Sloan/Jean heavy-haul truck route is inadequate because it fails to consider that this route would pass through or near the Clark County Desert Tortoise Large-Scale Translocation Study Site (LSTS) west of Jean and west of I - 15. Clark County has invested significant resources in establishing this site and funding studies to investigate the efficacy of translocating displaced desert tortoises. Currently more than 2,000 displaced desert tortoises have been successfully translocated to this site and many more will be translocated over the coming several years. This site is crucial to desert

3
continued
on page 6

EIS001206

3 continued

tortoise conservation and management in Clark County. The people of Clark County have overwhelmingly supported desert tortoise conservation actions because, in part, displaced tortoises have been humanely provided a wild home at the LSTS. Threats to the integrity of the LSTS would jeopardize public support for tortoise conservation efforts. This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository and along the Caliente-Las Vegas heavy-haul truck route and in the regional vicinity of the route that may be indirectly impacted.

9. The discussion of the impacts of the Apex/Dry Lake heavy-haul truck route (Section 6.3.3.1) is inadequate because it fails to properly consider and address the local, regional and rangewide implications of the loss of unique desert tortoise (*Gopherus agassizii*) populations and the genetic potential of these populations at the northern extremes of this species* range in the vicinity I - 15 and U. S. 95 due to construction activities in upgrading the roads. It is inadequate because it fails to properly consider and address the local, regional and rangewide implications of increases in raven populations and their increased levels of predation on unique desert tortoise (*Gopherus agassizii*) populations at the northern extremes of this species* range in the vicinity I - 15 and U. S. 95 due to construction activities and increased traffic during operation. The discussion of the contribution of truck traffic related to this activity and its impact on desert tortoise populations is lacking a consideration of noise and low frequency vibrations and their impacts on desert tortoises. This issue is of concern to Clark County because it is engaged in supporting significant conservation actions in areas adjacent to and in the regional vicinity of the Repository and along the Caliente-Las Vegas heavy-haul truck route and in the regional vicinity of the route that may be indirectly impacted. _____